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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/219,890	12/24/1998	HIROSHI MORIKAWA	0557-4557-2	4189

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EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/219,890

Applicant(s)

MORIKAWA, HIROSHI

Examiner

Sy D Luu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/18/2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to the Request for Reconsideration filed 12/18/2002. In the Request for Reconsideration, Applicant requested for the removal of the Tomidokoro (US 6,023,593) prior art due to the earlier priority date claimed by the present application. As a result of which, a new Final office action follows.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imada (US 5,880,851) in view of Hashimoto et al. ("Hashimoto", US 5,812,900), Ide (US 4,619,514), Ishikawa (US 4,448,515), and Abe et al. ("Abe", US 6,353,482 B1)

As per claim 11, Imada teaches an operation and display section of an operation unit for an image forming apparatus (fig. 3; col. 4, lines 30-37) comprising:

a touch screen panel substantially centered on the operation unit (*touch panel display 7*);  
numeral keys (*numeric keypad 5*);  
a clear/stop key (*key 51*);  
a start key having a larger diameter than the numeral keys (*key 6*); and  
an interrupt key (*key 57*).

Although Imada teaches a preheat key (*key 56*) and a counter key (*key 62*), Imada does not teach: (a) an enter key, a program key, a reset/preheat key, a set key, a trial copy key, a copy key, a copy server key, and a printer key; and (b) the positions of the keys relative to each other as claimed.

Per (a), Hashimoto teaches an image forming apparatus, wherein the operation panel includes an enter key, a program key, and a reset/preheat key (fig. 2; col. 5, lines 24-26; *keys 81, 80, and 76 respectively*). Ide teaches an image forming system, wherein the operation panel includes an set key (fig. 2; col. 4, line 50; *set key 73*). Ishikawa teaches an image forming system, wherein the operation panel includes a trial copy key (fig. 3; col. 5, lines 47-50; *trial copy switch 43*). Abe teaches an image forming system having operation mode selection keys for selecting one of Copy (*Copy*), Copy Server (*File*) and Printer (*Printer*) modes on the operation panel (fig. 3; col. 4, lines 48-52).

It would have been obvious to an artisan at the time of the invention to include these well known keys of Hashimoto, Ide, Ishikawa and Abe with Imada's operation unit in order to provide additional useful functionalities and capabilities to Imada's apparatus.

It is noted that the set key and counter key of the apparatus of Imada and Ide are separate keys. However, it is well known in the art for two different functionalities to be implemented under one same single key, e.g. the reset/preheat and clear/stop keys. It would have been obvious to an artisan at the time of the invention to combine the set and counter keys as one since they perform related functionalities and in order to reduce the cluttering of the operational panel's area.

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It is further noted that Abe's keys are presented as "soft" keys on the touch panel display rather than as mechanical keys as claimed. However, Official Notice is given that interchangeable use of "soft" and mechanical keys are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to implement Abe's keys with Imada's operation unit using either method according to the choice of preference and implementation.

Per (b), although the keys on the operation unit of Imada, Hashimoto, Ide, Ishikawa and Abe are positioned in proximity of each other, they are not necessarily positioned in specific positions relative to each other as claimed. However, it would have been obvious to an artisan at the time of the invention that the specific location of where the keys are to be situated is not a factor in determining their functionalities, so long as the keys perform all required functionalities.

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Migita et al. (US 4,910,552)

#### *Inquires*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Sy D. Luu', with a long, sweeping horizontal stroke extending to the right.

Sy D. Luu  
PRIMARY EXAMINER  
December 30, 2002